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May 7, 2002

EX PARTE

Thomas Sugrue, Chief
Wireless Telecommunications Bureau
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: WT Docket No. 02-08, *Reallocation of the 216-220 MHz, 1390-1395 MHz, 1429-1432 MHz, 1432-1435 MHz, 1670-1675 MHz, and 2385-2390 MHz Government Transfer Bands*

Dear Mr. Sugrue:

On April 25, 2002, I sent you a letter expressing ArrayComm's concern that failure to specify in the Commission's rules the adjacent channel radiosonde operations that must be protected by prospective commercial operations in the 1670-75 MHz band could have serious consequences for any commercial licensee in that band. Because the magnitude of this problem from ArrayComm's perspective cannot be overstated, ArrayComm provides the following additional information for inclusion in the record of the above-referenced proceeding.

Radiosonde operations are literally thousands of times more sensitive to adjacent channel interference than a typical commercial system. The practical import of this sensitivity is that adjacent-band commercial operations, at least those contemplated by any of the commercial parties commenting in this proceeding, must likely be prohibited within approximately 5 km of a protected radiosonde site. Unfortunately, some radiosonde sites exist in or near urban areas. Based on population density data from the year 2000 United States Census, deletion of commercial service within a 5 km radius around the existing radiosonde site in Miami, Florida, would prohibit service to more than 375,000 people. Theoretically, a similar prohibition could affect service to more than 1,598,000 people in a densely populated area such as Union City, New Jersey.

Is it reasonable to force prospective bidders to guess whether it may have to protect areas within markets having a population equal to that of a medium-sized city? How can a prospective bidder determine the value of a license when it is possible that the licensee might build out such an area, only to find out later that coverage has to be deleted, with the attendant waste of capital and customer ill will?

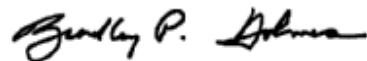
Service rules that permit populations of hundreds of thousands or millions of subscribers to be unpredictably included or excluded from a provider's service area as adjacent-band radiosonde sites are commissioned or decommissioned, even after the commercial provider has expended resources on spectrum, equipment and customer acquisition, pose an unacceptable economic risk. This risk will severely diminish the value of the spectrum in the eyes of potential

auction participants and their financial supporters. Equally important, subscribers will not be attracted to such unpredictable service.

The Commission can easily prevent this unacceptable economic risk and the resulting barriers to broad subscriber acceptance. Again, not only will the economic prospects of ArrayComm and other potential bidders be jeopardized but also the public could well be deprived of the innovative services that parties hope to deploy in this spectrum band. Simply put, the Commission can and should remove the uncertainty surrounding the radiosonde operations by listing in its rules the site locations to be protected and the requisite protection criteria ArrayComm has requested. Silence by the Commission in this instance would not serve the public interest, nor would it promote the successful auction and commercial use of the 1670-75 MHz band.

Thank you again for your consideration of this matter.

Respectfully submitted,



Bradley P. Holmes
Senior Vice President, Regulatory and
Government Affairs

cc (via facsimile): Chairman Michael Powell
Commissioner Kathleen Abernathy
Commissioner Michael Copps
Commissioner Kevin Martin
Peter Tenhula
Bryan Tramont
Paul Margie
Samuel Feder
Thomas Sugrue
Edmund Thomas
Paul Kolodzy
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Bruce Franca
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